

**FILED**

## UNITED STATES COURT OF APPEALS

JUN 01 2016

## FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

CHRISTOPHER INOUE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

No. 16-71280

D.C. No. CR-95-01078-DAE-1

District of Hawaii,

Honolulu

ORDER

Before: REINHARDT, W. FLETCHER, and OWENS, Circuit Judges.

Petitioner's application for authorization to file a second or successive 28 U.S.C. § 2255 motion makes a prima facie showing under *Johnson v. United States*, 135 S. Ct. 2551 (2015). The application is granted. *See Welch v. United States*, 136 S. Ct. 1257, 1264-68 (2016) (*Johnson* announced a new substantive rule that has retroactive effect in cases on collateral review).

The Clerk shall transfer the section 2255 motion filed on May 2, 2016, to the United States District Court for the District of Hawaii. The motion shall be deemed filed in the district court on May 2, 2016.

The Clerk shall also serve district court this order and the application directly on the chambers of the Honorable J. Michael Seabright.

Upon transfer of the motion, the Clerk shall close this original action in this court.

No further filings will be entertained in this case.